

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DOMINICA O'NEILL,

Plaintiff,

-against-

MICHAEL R. EDELMAN a/k/a "THE CONSULTANT", individually, Phillip Amicone, individually and in his capacity as Mayor of the City of Yonkers, New York, EDMUND HARTNETT, individually, and as Police Commissioner of the City of Yonkers, New York, JOHN FLEMING a/k/a "MOB BUSTER", individually and in his capacity as Executive Assistant to the Mayor of the City of Yonkers, New York, LAWRENCE PORCARI a/k/a "ETHAN EDWARDS", individually and in his capacity as Assistant Corporation Counsel for the City of Yonkers, New York, and the CITY OF YONKERS, New York,

Defendants

**Case No. 08 Civ. 5757 (CLB)**

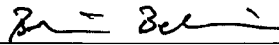
**NOTICE OF MOTION  
TO DISMISS**

**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Brian T. Belowich dated August 12, 2008 and the accompanying Memorandum of Law, Defendants Philip Amicone, Edmund Hartnett, John Fleming, Lawrence Porcari and the City of Yonkers (collectively, "Defendants"), by their attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, will move this Court at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, on September 5, 2008 at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order: (i) granting Defendants' motion to dismiss the Complaint herein pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure; and (ii) granting to Defendants such other and further relief as this Court deems just and proper.

Dated: White Plains, New York  
August 12, 2008

DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP

By:

  
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